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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
2002P11311WOUS

First named inventor: Markus Bilger

Application No.: To be assigned (PCT/DE03/02750)

Art Unit: To Be Assigned

Filed: To Be Assigned

Examiner: To Be Assigned

Title: Distribution of Printer Paper

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Entry into the National Phase of PCT/DE03/02750 (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	JUNE 29, 2006 _____ Date
John P. Musone _____ Typed or printed name	44,961 _____ Registration Number, if applicable
Siemens Schweiz _____ Address	+1 407 736 6449 _____ Telephone Number
I-47, IP, Albisriederstrasse 245, Zurich, Switzerland, CH-8047 _____ Address	

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay

☒ Other: 1. Transmittal Form (1 pg.), Copies of originally filed documents: 2. Cover Letter (2 pgs.), 3. Request for Filing a Continuation or Division of an International Application (2 pgs.), 4. Application Data Sheet (5 pgs.), 5. US Application (7 pgs.), 6. Request for Priority (1 pg.), 7. Copy of Priority Document (1 pg.) Newly executed Documents: 8. Assignment Recordation Form Cover Sheet (1 pg.) 9. executed Assignment (3 pgs.), 10. executed Declaration (4 pgs.), 11. Supplemental Remarks (1 pg.) and 12. Decision on Petition (copy, 3 pgs.).

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

6/29/06

 Date



 Signature

BARBARA QUINN

 Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Markus Bilger <i>et al.</i>	Art Unit: To be assigned
Int. Application No.: PCT/DE03/02750	Examiner: To be assigned
Int. Filing Date: August 18, 2003	Atty. Docket: 2002P11311WOUS
For: <i>Distribution of Printer Paper</i>	Confirmation No.: To be assigned

SUPPLEMENTAL REMARKS REGARDING PETITION TO REVIVE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

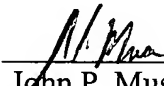
On November 3, 2005, Applicants filed a Petition to Accept Application and Assignment of a Filing Date. With Decision on Petition under 37 CFR 1.181 date stamped June 7, 2006, the Office of PCT Legal Administration dismissed the petition without prejudice. A copy of the Decision is enclosed. International application PCT/DE03/02750 stands abandoned for failure to enter the U.S. national stage by the thirty month period.

Prompt consideration and granting of the petition is respectfully requested. The Patent Office is requested to contact the undersigned at any time and for any reason.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to **Deposit Account No. 502464** referencing attorney docket number **2002P11311WOUS**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: 6/29/06

Respectfully submitted,



John P. Musone
Attorney for Applicant
Registration No. 44,961
Tel: ++1 407 736 6449
Customer No.: 28204



07 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Unterlagen erhalten

2. Juni 2006

Siemens Schweiz AG

SIEMENS SCHWEIZ, AG
245 ALBISRIEDERSTRASSE
I-44 INTELLECTUAL PROPERTY RAUM
CH-8047 ZURICH, 08047

In re Application of
BILGER et al.
Application No.: 10/561,493
PCT No.: PCT/DE03/02750
Int. Filing Date: 18 August 2003
Priority Date: 06 September 2002
Attorney's Docket No.: 2002P11311WOUS
For: DISTRIBUTION OF PRINTER PAPER

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's 03 November 2005 "Petition to Accept Application and Assignment of Filing Date". Applicant, in effect, requests acceptance of a copy of international application PCT/DE03/02750 for filing in lieu of the original application allegedly filed United States Patent and Trademark Office (USPTO) on 25 February 2005. The petition is treated as a petition under 37 CFR §1.181. No petition fee is required.

BACKGROUND

On 18 August 2003, applicant filed the above-identified international application which claimed a priority date of a German application filed on 06 September 2002. The thirty month period for entry into the U.S. national stage expired at midnight on 06 March 2005.

On 25 February 2005, applicant allegedly filed the international application PCT/DE03/02750 in the USPTO. These papers were not assigned a U.S. serial number. Upon inquiry to the USPTO regarding the status of the application, counsel was advised that the application papers could not be located.

On 03 November 2005, applicant refiled copies of the U.S. application as allegedly filed 25 February 2005. Applicant, in effect, requests acceptance of the copy of the application in lieu of the originals allegedly filed on 25 February 2005, according a filing date of 25 February 2005.

DISCUSSION

Applicant requests that the apparent copy of the international application filed with the petition be accepted as a replacement for the missing original papers with a receipt date of 25 February 2005 being accorded thereto based on the alleged delivery of the originals to the

USPTO on 25 February 2005.

The evidence submitted by applicant in the petition included a copy of the application including specification, claims and drawings; a copy of the DHL mailing label receipt bearing no. "454 7920 591", and a copy of the tracking detail regarding its delivery to the USPTO.

The DHL mailing label (454 7920 591) bears an incorrect delivery address for hand delivery to the USPTO for 25 February 2005. The DHL mailing label indicates an incorrect delivery address as: 2001 South Clarke Place, Customer Window, Box, Cristal (sp) Plaza Two, Lobby, Room1B03, Arlington, VA. This address was no longer available as a delivery address for the USPTO as of midnight January 13, 2005.

As of January 14, 2005, the USPTO Customer Service Window for hand-delivery of patent-related correspondence was relocated to: Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314. Notice of this relocation was posted in the January 2005 issue of the PCT Newsletter published by the World Intellectual Property Organization (WIPO) (copy enclosed.) and in the USPTO's Official Gazette 01 February 2005 (copy enclosed).

A close look at the Tracking Results Detail for #"454 7920 591" indicates contradictory delivery information: On "2/25/2005 2:04 pm Shipment delivered"; however, on "2/28/2005 7:34 pm **Recipient refused delivery**". (Emphasis added.) This is not evidence of delivery of the application papers to the USPTO on 25 February 2005, to an address that was no longer in use.

A review of USPTO records reveals that such attempted delivery was not received in the Office. Since the application was not delivered to the USPTO and applicant has not provided proof of such delivery in accord with MPEP §500 et. seq., the copy of the application delivered to the USPTO cannot be accorded a filing date of 25 February 2005.

The international application PCT/DE03/02750 was abandoned at midnight 06 March 2005 for failure to enter the U.S. national stage by the thirty month period. The filing of the application papers on 03 November 2005 does not revive the international application.

Options

Applicant is advised of his options to file a petition to revive his abandoned application under 37 CFR 1.137(a) or (b). The appropriate forms and relevant MPEP section 711.03(c) can be located at www.uspto.gov. Applicant is reminded that the filing of any petition under the unintentional standard cannot be intentionally delayed. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay was unintentional. A statement that the delay was unintentional is not appropriate if the petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

CONCLUSION

The petition to accord a filing date of 25 February 2005 to the application papers filed on 03 November 2005 is **DISMISSED without prejudice**.

International application PCT/DE03/02750 is ABANDONED for failure to enter the U.S. national stage by the thirty month period.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the

Application No.: 10/561,493

3

Office of PCT Legal Administration.

A handwritten signature in cursive script, appearing to read "Cynthia M. Kratz".

Cynthia M. Kratz
Attorney Advisor
Office PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Encl.: PCT Newsletter, Jan. 2005, p.5
USPTO Official Gazette, 01 Feb. 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,500

Complete if Known

Application Number	To be assigned (PCT/DE03/02750)
Filing Date	To be assigned
First Named Inventor	Markus Bilger
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	2002P11311WOUS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

☒ Deposit Account Deposit Account Number: 502464 Deposit Account Name: Siemens Schweiz AG

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION
1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES
Fee Description

 Each claim over 20 (including Reissues)
 Each independent claim over 3 (including Reissues)
 Multiple dependent claims

Small Entity
Fee (\$) **Fee (\$)**

 50 25
 200 100
 360 180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ -20 or HP= _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

 Other (e.g., late filing surcharge): **Fee Code 1453/2453 Under 37 CFR 1.137(b) - Petition to**
revive unintentionally abandoned application
1,500.00
SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	44,961	Telephone	407-736-6449
Name (Print/Type)	JOHN P. MUSONE	Date	JUNE 29, 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.